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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

No.O.A.876 of 1999.

DATE OF ORDER : 28.6.2000.

BETWEEN :

J.ANJAIAH S/o Narasaiah,  
Train Lighting Khalasi Helper,  
South Central Railway,  
Secunderabad.

... Applicant

A N D

1. The General Manager,  
South Central Railway,  
Raily Nilayam, Secunderabad.
2. The Addl.Divisional Railway Manager,  
South-Central Railway,  
Secunderabad Division (BG),  
Secunderabad.
3. The Senior Divisional Electrical Engineer (M),  
Secunderabad Division (BG),  
South Central Railway,  
Secunderabad.
4. The Assistant Electrical Engineer,  
Secunderabad Division (BG),  
South Central Railway, Secunderabad.

... Respondents

Counsel for the applicant : Mr.P.Krishna Reddy.

Counsel for the respondents: Mr.C.V.Malla Reddy.

C O R A M :

1. The Hon'ble Mr.R.Rangarajan, Member (A).
2. The Hon'ble Mr.B.S.Jai Parameshwar, Member (J).

O R D E R

R.Rangarajan, Member (A)

Heard Mr.P.Krishna Reddy for the applicant and Mr.C.V.Malla Reddy for the respondents.

2. The applicant while working as Train Lighting Khalasi Helper in Train No.4048 Gowthami Express on 3.8.1992, was taken<sup>up</sup> under Rule 11 of the Railway Servant (D&A) Rules, 1968, charging him

..2/-

for the following mis-conduct :

"You were booked to work by AC Coach No. on 3.8.1992 by Train No.7048 Express. At BZA one passenger by name Shri M.R.Prasad, M.P., boarded the AC Coach when he asked for accommodation. You approached him and adjusted him in a berth which was actually reserved for another (family having a small child. You have accommodated the above M.P. without the knowledge of Coach Conductor. When the above passenger gave you Rs.500/- to make up the difference of Second Class ticket to AC Sleeper ticket, you have taken Rs.200/- and returned Rs.300/- to the passenger. You also did not issue bed roll receipt in spite of his reminding you."

3. The minor penalty charge sheet issued to him was replied by the applicant by his letter dated 3.12.1992 (annexure-III at page 11 of the O.A.). In the said letter the applicant has stated that on the said date,            no passenger by the name M.R.Prasad, M.P., approached him and that it was a false complaint.

4. The letter of the applicant was considered by AEE/Secunderabad, who is his disciplinary authority and the said authority imposed the penalty of withholding of increment of the applicant, raising his pay from Rs.950/- to Rs.965/- in the pay scale of Rs.800-1150/- due on 1.10.1993 for a period of two years, without postponing his future increments. The order of the disciplinary authority is dated 4.1.1993.

5. Against the above order, the applicant filed an appeal addressed to the respondent no.3 on 29.2.1993 which was disposed of by the impugned order dated 29.3.1993 (annexure-VI at page 16), confirming the punishment.

6. This O.A. is filed to set aside the order dated 4.1.1993 of the disciplinary authority, confirmed by the order of the appellate authority (respondent no.3) dated 29.3.1993 and the revisional order of the respondent no.2 dated 9.5.1994 and the consequential order of the revisional authority dated 27.5.1998 and for a consequential direction to the respondents to refund the amount recovered from the salary of the applicant pursuant to the impugned order dated 4.1.1993.

7. In the reply, it has been stated by the respondent authorities that the applicant was responsible for the charges mentioned in the charge sheet. Hence, the order of punishment need not be interfered with.

8. The main contention of the applicant in this O.A. is that there was no passenger by the name M.R.Prasad, M.P. on the said date and that the complaint is only false.

9. The ld.counsel for the applicant also produced a list of names of MPs wherein the name of Shri M.R.Prasad is not entered at the relevant time when this incident took place. In that view, the ld.counsel for the applicant submits that it is a false case and that there is no evidence to come to the conclusion that the applicant was responsible for the charges levelled against him.

10. In order to verify the contention of the applicant, we asked the ld.counsel for the respondents to produce the file containing the complaint from the M.P. That order was given on 9.6.2000. Once again on 16.6.2000, the earlier direction was reiterated.

11. The ld.counsel for the respondents submits that he had informed the department to produce the file so as to justify their stand. He further submits that he has also asked the department to cause production of list of MPs who were on the day of the incident to see whether the name of Shri M.R.Prasad finds a place in the said list.

12. The ld.counsel for the respondent submits that in spite of repeated requests to the department, neither the file nor the list of MPs who were there on the day of the incident, has been handed to him. In that view of the matter, the ld.counsel for the respondents expressed his helplessness to submit anything further in this connection.

13. The main issue for consideration in this case is in regard to the identity of the complainant. We have not seen the complaint filed by the MP. There is also no tangible proof to come to the conclusion that the said Shri M.R.Prasad was a MP when the incident took place.


14. In view of the above, it has to be concluded that the contention raised by the applicant has to be upheld and the O.A. disposed of on the ground that the complaint against the applicant is without any evidence.


15. In view of what has been stated above, the O.A. is allowed.

The punishment orders of the disciplinary authority, appellate

authority and the revisional authority are all set aside. All consequential benefits as a result of setting aside of the above orders should be extended to the applicant within a period of two months from the date of receipt of a copy of this order.

16. There will be no order as to costs.

  
(B.S. Jai Parameshwar)  
Member (J)

  
(R. Rangarajan)  
Member (A)

DATED THE 28TH JUNE, 2000  
DICTATED IN OPEN COURT

M  
3.7.00

r.s.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO

1. HOHND

2. HARN (ADMN.) MEMBER

3. HBSJP (JUDL.) MEMBER

4. D.R. (ADMN.)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN.)

THE HON'BLE MR. S.S. JAI PARAMESHWAR  
MEMBER (JUDL.)

DATE OF ORDER 22/6/2000

MA/PA/CP.NO.

IN

CA. NO. 87699.

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALL ORED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

26 JUL 2000

हैदराबाद न्यायपीठ  
HYDERABAD BENCH